



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, August 11, 2021

AGENDA

- I. Call to Order for Planning & Zoning Commission**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Comments Regarding Items Not on the Agenda** (limited to 3 minutes each)
- V. Approval of Minutes**
 1. April 19, 2021
 2. June 9, 2021
 3. July 28, 2021 – PZC Work Session (no minutes taken – noted for clarity)
- VI. New Business**
 1. **PUBLIC HEARING** – Held Annexation & Establishment of Zoning (ANX20-0002).
122 acres northeast of Downtown, with proposed Holding Ag (HA) zoning district
 2. **PUBLIC HEARING** – Whitehall Annexation & Establishment of Zoning (ANX21-0003). 240 acres west of Colorado Blvd, north of CR 46, with proposed PUD-MU zoning
- VII. Departmental Report**
- VIII. Commissioner Reports and Comments**
- IX. Adjournment**

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, April 28, 2021

Remote Hearing Held VIA Zoom

SUMMARY MINUTES

Chairman Weber was absent; prior to the meeting beginning, Commissioner Grentz nominated Commissioner Kiovsky to serve as acting chairperson for this meeting. Seconded Storm. Vote was unanimous.

Meeting called to Order by Acting Chair Kiovsky at 7:02 P.M. Roll call attendance was taken; present were Commissioners Flores, Grentz, Kiovsky, and Storms. Commissioner Boccella and Weber were absent.

Unanimous approval of Agenda.

Minutes for PZC hearings and meetings of:

- November 18, 2020 – Motion (M) by Storms / Flores (2nd) to Approve, passed 4-0
- Revised minutes of March 10, 2021 - M Flores / Grentz, to Approve, passed 3-0, Storms abstain
- April 14, 2021 - M Storms / Flores, to Approve, passed 4-0.

There were no public comments regarding items not included on the agenda.

ZON20-0006 Purvis Farm Outline Development Plan (ODP). Darryll Wolnik, Planner II, provided the staff report and a brief presentation with an overview of the project. The proposal is for a 108-acre master outline development plan, located east of Colorado Blvd., and north of CO Hwy 60. The property is zoned PUD-MU and is covered by a prior ODP, which is being superseded with the proposed ODP. This development plan is a large bubble diagram with general uses, acreages, and maximum densities shown, with a conceptual site plan that provides an idea of what this could look like once developed. There are significant open spaces planned over existing easements that separate the proposed development areas from existing neighborhoods. Based on surrounding, existing development no direct street connections are proposed to existing neighborhoods, and future street and trail connection opportunities are created to properties to the north.

Commissioner questions –

Storms – Current ODP is still in force that included Low/Medium/High density residential and commercial zoning. Clarifying that the amend ODP largely affects the removal/reduction of the commercial uses/zoning to allow more mixed use in that area. Wolnik confirmed that statement.

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

Cathy Mathis, TB Group (Berthoud), represented the Applicant and provided a more detailed presentation on the outline development plan. A loop trail system connects the open spaces to and through the neighborhood. All intended to be for-sale products, accommodating stormwater, parks, and trails throughout. Gross density for the northern residential area is 3.5 DU/ac.

Commissioner question summary:

- Flores asked how those adjacent [outparcel] owners being taken into account with this development. Wolnik answered that the applicant will need to address that outreach as future plans for improvements, access, sidewalks proceed. The Town encourages developers to reach out to those folks early to coordinate that.
- Kiovsky inquired as to the timeframe to begin/construction. John Tufte, owners' engineer, indicated the intention to move forward with development plans and begin construction asap. Construction would happen in several phases as infrastructure is in place.
- Storms noted the trail and landscape area along the east side of property / west side of RHR; and asked the width of those areas. Cathy Mathis noted they are 60-70' wide. CORRECTED LATER – 100' wide from back of lot to back of lot. At the north side of the Landings? Mathis noted widths of 70-90 feet.
- Flores inquired about Area A, regarding thoughts on landscaping, and any water conservation being taken into account. Mathis commented they will be looking at that utilizing conservation methods on lots, open space, clarifying what is irrigated vs non-irrigated.
- Kiovsky asked for clarity about the exact question/decision before the Commission. Wolnik clarified that the ODP, and the bubble diagram and associated development standards are scope of the items before the Commission.

Public Comment:

- Jenn Jara – 412 estate Dr. – 60-70' from property or from oil easement? New dev will be under a MD or HOA?
- Alethia Fenney – 2304 Brianna Ct. – Why mixed-use area goes down in area from commercial? How will traffic be addressed along 60 – entrance on 60 is close between CO Blvd and – another light? Number of lights would then seem excessive. How tall are townhomes (TH) proposed to be? And why TH in that area? Close to Landings neighborhood – overshadowing house along that edge.
- Dianne Morris – 318 Estate Dr. – Point out that neighbors showed up to neighborhood meeting and comments, but nothing has changed in the plan. Ruining our view. Put park behind the estate lots. Match estate lots & housing on the back side. Concerned about minimum lot sizes. Increased people, increased crime, taxation on our infrastructure. Drainage from the farm has resulted in basements flooding with mud and water. Drainage ditch for irrigation is an issue. No one seems to care about the citizens.
- Roy Moore – 2223 Podtburg Circle – Hwy 60 entrance, nobody thought about that traffic at all. Put entrance right in front of the subdivision, not feasible to have a light. (Johnstown Village) Only entrance to the Landings, with no additional connection into the neighborhood. Town of Johnstown water can barely sustain people who live here. Stormwater retention has water from farm onto Hwy 60, west side of Landings – basements flood. Concerned about more mud, mosquitos, “No one's thinking about that.” Adding people to a small town – concerned that the Town is only concerned with tax revenue. Mr. Purvis did not want land developed at all.
- Terry Jones – 2004 Golden View Dr. – 1/4 of park is underwater – detention pond is saturated in RHR now. Taking pervious surfaces and making them pavements and rooftops – all that water will

drain “somewhere” – all coming into RHR. Would like to see the engineering in RHR area – was it designed for all this new water. Feels like all neighborhoods need to have more diversity of lot sizes.

- Connie Denner – 324 Estate Dr. – Agrees with other comments. Drainage is an issue – farmer vs private vs Town. Neighbors are clearing the ditch grate to unplug. Drainage plans indicate that water will move through this neighborhood. This plan shows no low density – those are medium density SF. Don’t want to be like Frederick or Firestone. Need services, grocery, new schools. Traffic along 60 is a concern.
- Madeline Saraduke – 2221 Podtburg Circle – what experts and engineers does the developer & Town use to help ensure these plans work?
- In Chat (see transcript attached)

Acting Chair Kivsky consolidated these comments into main topics –

1. Traffic – Kerry Childress clarified the process of traffic studies and indicated the Applicant is working with Town and CDOT. CDOT has an Access Control Plan for Hwy 60 already, and they use that. No traffic signal will be provided for the Hwy 60 access. They look at short term future and long-term future in their analysis.
 - a. Kim Meyer noted that the traffic signal comments are more related to a prior project – Johnstown Village, being marketed as Mallard Ridge.
2. Water availability – Staff noted that water dedication is required with each final plat, by the Developer.
3. Stormwater – detention – John Tufte, Applicant engineer. High level planning so far shows three detention ponds, discharging to the planned outlet locations master-planned by the Town. More detailed engineering work will occur and be reviewed as the development plans move forward – addressing controlled release at historic rates, and water quality elements. Groundwater – Geotech consultant is providing soil samples and monitoring wells –collecting data since last Fall.
 - a. Storms asked Tufte to clarify his “pray” comment – Tufte noted that the Town provides information to the engineers, the engineer verifies the information provided, and design from that point. Designs are to the 100 yr storm, and based on some base information that is provided by others.
4. Schools & Infrastructure
5. Reduced commercial uses – Applicant noted that right now the market seems to like an 8 AC commercial node, and otherwise that area may be better for a mix of uses and densities of housing.
6. Density, diversity, & compatibility – Cathy Mathis noted townhomes would likely be a two-story product. The market is generally seeking the 5500 to 6600 SF lots.
7. Expertise – Darryll Wolnik detailed the members of Johnstown Review Committee team.

Acting Chair Kivsky closed the public hearing at 8:40 PM. Commissioner Storms notes that this ODP is an amendment to the prior ODP that permitted a mix of residential uses, that this is more higher-level zoning, land uses, and some standard development requirements. He feels the proposed development does fit into the community. Flores notes that after hearing from the applicant, staff, and public, he feels this provides some guidance for the next level of development. He noted appreciation for the public input. Grentz noted concerns brought forward will make the developers and town staff more aware of concerns and existing issues as the plans for the development proceed.

C. Grentz made a motion to recommend approval with findings as stated in the staff memo. C. Flores seconded. Vote was unanimous 4-0 for approval of the motion.

Kim Meyer gave a brief departmental report.

Motion to adjourn by Commissioner Storm / Flores at 9:00 PM. Motion carried 4-0.

Respectfully Submitted: Kim Meyer, Director

Approved & Accepted: Patricia Kiovsky, Acting Chair



DRAFT



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, June 9, 2021

SUMMARY MINUTES

Meeting called to Order by Chair Weber at 7:01 P.M. Roll call attendance was taken; present were Commissioners Flores, Grentz, Kiovsky, and Weber. Commissioner Storms was absent. Commission Commissioner Boccella resigned prior to the meeting due to a conflict of interest with a new Senate staff position.

Unanimous approval of Agenda.

Public Comments:

- Jim Hatfield, 345 Hickory Ln, president of F 1 & 2 at Clearview. What day of the week are neighborhood meetings scheduled? Kim Meyer responded that those are typically hosted Tuesday through Thursday.

Case #SUB20-0007 Thompson River Ranch Filing No 7. Kristin Cote, Planner I, provided a Staff presentation and overview of the staff memo and the project to the Commission. Rick Haering, LAI Design Group, Englewood, & Todd Bloom with Oakwood Homes were in attendance to answer commission questions.

Commission questions:

- When would traffic warrants require certain improvements that the updated TIS recommends. Staff indicated these would be included in development agreements for future filings.
- Commissioners questioned the Oakwood carriage house configuration. Rick Haering noted these are typically 1400-2200 SF with 2 car garages, shared drive with 4 units. Front yards maintained by MD, small private rear/side yards; noting their popularity with the market.
- What are the other infrastructure impacts in the area; what level of detail is reviewed? Todd Bloom, Oakwood (Applicant) indicated that the Johnstown Review Committee does review all engineering drawings, water and sewer demands, and hydraulic studies. Darryll Wolnik explained more related to the analysis of water demand.

Public comment: None.

Public hearing was closed at 7:18 PM

Motion to Approve: C. Flores / 2nd C. Kiovsky

Vote: 4-0

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

SUB20-0013 Pautler Farms Estates was presented by Darryll Wolnik, Planner II, for Staff. An overview of the project's staff memo to the Commission and a PowerPoint presentation were made. Jamie Setter, and engineer with Galloway US, Johnstown, represented the Applicant.

Commission questions:

- C. Kiovsky asked about the proposed sustainable aspect of this development? Jamie Setter noted that water conservation for xeric landscaping will have a much smaller water footprint than typical large lots. Owner-driven site design will provide on-site drip-irrigated personal gardens, small farm animals for more rural, personal sustainability lifestyle. Paul Pautler (Owner/Applicant) provided additional information.
- C. Kiovsky asked if green materials and sustainability will be required in the architecture as well? The Applicant noted that was not yet addressed, as they just started their CC&Rs.
- C. Kiovsky – CC&Rs Pg 45; §7.24 lots can be subdivided until 2030. Why is that written into these? Kim Meyer, Director, noted that there would be no intention or staff support to subdivide these properties further, Town approval would be required.

Public comment:

- Dave Puccetii, 2929 Acona way, Pioneer Ridge. Overall, the development looks good. Opposed to farm animals on the 11 lots. An existing horse barn is a USR in Weld County across CR 46, and there is a concern with more coyotes, odors, flies. If stormwater grabs animal waste in runoff, there are concerns. Ask that PZC add a condition that no farm animals be permitted – not a good fit adjacent to the adjacent neighborhood. Concerned with RV and trailer storage, the need to modify water usage. Noted the Applicant has not been a developer previously.
- Jim Hatfield, 345 Hickory Ln. Not opposed to the development, but is concerned about the proposed covenants and want to ensure there are limits to conflicts with Town Code. Covenants get out of date with local, state or federal regulations. Suggests specific sections be addressed.

Hearing closed at 7:46.

Commissioners asked about the inclusion of farm animals in this PUD, with concerns of noise and odor. Staff noted that the municipal code is unclear on this issue in a PUD, and therefore had a difficult time taking a strong stance. Council would address farm animals for this one development, but was unlikely to require a change to the code. Staff indicated the code does address general nuisances of noise, odor and other elements that impact adjacent owners.

Regarding subdivision fencing, C. Grentz feels the continued HOA fence should along Parish Ave. to finish out that corner consistently.

Motion: C. Grentz / 2nd C. Flores ... with a condition that larger farm animals are not permitted – but permit smaller animals such as rabbits or chickens.

Vote: 4-0

SUB20-0016 Mountain View West 1st Replat Subdivision. Darryll Wolnik presented the staff overview and presentation. The Applicant was represented by Andy Gerk with Baessler Homes.

Commission questions:

- C Kiovsky inquired about any floodplain issues on this site. Staff indicated this site is not in the floodplain.
- C. Grentz asked about additional parking. Gerk was able to provide an overview on parking availability – believe they are providing about 80 additional spots on the site, above the 2-cars per dwelling unit. C. Grentz remains concerned about parking in these high-density areas. Feels like we need to address to ensure street aren't over-crowded. Code does not require guest parking
- Based on neighborhood comments (below), C. Kiovsky noted a concern related to the interface with historic neighborhoods. Staff noted no current historic districts or codes that would require that, and there are existing architectural guidelines in the PUD guidelines with which this project complies.

Public comment:

- Jim Hatfield, Clearview neighborhood, asked if the new homes are built next to older homes. What do property values do? Will taxes be driven up by increased value around them? Is this considered gentrification?
- Pat Tovass, 302 Maestes St., believed there was an intent to restrict development adjacent to the western and northern boundaries (E side of Maestes and south side of Paradise Village MHP) with buffer zone with single family homes. The Colony is a unique historic neighborhood.

Motion to approve with conditions as written: C. Grentz / 2nd C. Weber

Vote: 4-0

ANX20-0004 North Ridge Annexation and Establishment of Zoning. Darryll Wolnik presented the Staff memo and a brief presentation. Applicant representative, Roy Bade, Caliber Companies, was present. C Kiovsky inquired about ability to serve this property with water and sewer; Bade responded that would occur with future development plans, but the capacities exist.

Public comment:

- Marcia Buckley, 6160 E CR 18 – president of the Gard Lateral Ditch company in this area. Is concerned maps do not show the ditch being addressed. She would like a buffer with a six-foot fence along the property line to protect her animals. Traffic will get worse. Wants to protect what she has.

C. Flores notes that there are valid concerns with the rural. Kim Meyer noted development details may better address these concerns in the public hearing for the P.U.D. Outline Development Plan.

Public Hearing was closed at 8:19 pm.

Motion to recommend Approval to Town Council: C. Grentz / 2nd C. Flores

Vote: 4-0

ZON20-0005 North Ridge ODP. Darryll Wolnik presented for Town Staff. Applicant representative, Roy Bade, with Caliber Companies, was present to answer commission and public questions. C. Weber inquired about access for Parcel A – Wolnik noted it must come from the frontage road and sight distances will be taken into account; CDOT currently controls that access and roadway.

Commissioner question:

- C. Weber asked about accommodating that ditch. Wolnik noted that would be addressed with development plans once we know what actual uses and development configurations are proposed. Bade noted they were planning to underground that ditch – should be improving that. Mark Hunter, Caliber’s counsel, noted the intent to install a culvert for that ditch, and have easement agreements with Gard Lateral Ditch Co.
- Bade also noted considerable coordination with CDOT is on-going for a number of issues.
- C Flores inquired if there are plans to enhance a fence on the east. Bade noted more detail would be forthcoming with development plans, but that likely both users want a fence to separate, and will work with staff to address that.

Public comment:

- Marcia Buckley, 6160 E CR 18 – president of the Gard Lateral ditch company in this area - not shown being addressed. Lives immediately to the east and would appreciate a 6’ fence along the property line – has farm animals to keep safe. Traffic will get worse. Want to protect what she has.
- Tom Powell, 5218 Ironwood Ct., adjacent to the property to the east, in Thompson River Ranch. His view of the mountains will be affected; paid a premium for that lot on the east side. Feels 1400 SF footprints are too dense. He noted concerns with additional development and current water pressure issues (sometimes can’t run dishwasher), property values likely to be affected.

Motion to recommend Approval to Town Council: C. Grentz / 2nd C. Flores
Vote: 4-0

Kim Meyer gave a brief departmental report.

Adjournment at 8:55 PM.

Respectfully Submitted: Kim Meyer, Director Bruce Weber, Chair





Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

DESCRIPTION:	Held Farm Annexation and Establishment of Zoning (122 acres)
LOCATION:	Portion of Southeast ¼, Section 4, Township 4 North, Range 67 West
APPLICANT:	Platte Land and Water LLC
STAFF:	Kim Meyer, Planning and Development Director <i>Km</i>
HEARING DATE:	August 11, 2021

ATTACHMENTS

- 1-Vicinity Map
- 2- Application & Petition
- 3-Annexation Map
- 4-Zoning Map

BACKGROUND & SUMMARY

The applicant, Platte Land and Water LLC, requests annexation and zoning for approximately 122 acres of land. The property is located in the Southeast ¼ of Section 4, Township 4 North, Range 67 West. More specially, it is located east of County Road 17 between County Road 48½ and State Highway 60. Petitioner is proposing zoning of HA (Holding Agriculture), the Town's transitional zone used prior to known development plans.

The subject property is presently zoned Agricultural (A) and Industrial (I-3) in unincorporated Weld County. It is partially bordered by incorporated areas of Johnstown, with the rest being portions of unincorporated Weld County. The surrounding zoning is Weld County Agricultural and Industrial and Town of Johnstown Industrial.

SURROUNDING LAND USE

North:	Single-family residential and Ag
South:	Hwy 60, railroad, Colorado Sweet Gold industrial area, and Downtown industrial
East:	Ag land
West:	Existing Ag in Weld County

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

LAND USE HISTORY

Historically, this property has been used for farming and continues as that use today.

OIL & GAS ACTIVITY

COGCC (Oil & Gas) online maps show several active and producing oil and gas facilities on the Held Farm property, largely operated by PDC Energy; and one Plugged and Abandoned well. These will be further identified and addressed through future development plans.

PUBLIC NOTICE & AGENCY REFERRALS

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, July 22nd, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning.

Agency Referrals were sent to Weld County Planning. Full state-required annexation packets will be mailed to the county and all taxing districts prior to Council hearings.

NEIGHBORHOOD MEETING

No neighborhood meeting was held for this annexation due to the fact that the current land use isn't going to change and that this is just a straight annexation where no new zoning/land use is being proposed. When the owner/applicant decide to develop the property, the Town will hold neighborhood meetings for the surrounding property owners.

ANALYSIS

Annexation: This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is planned to be zoned and developed as urban-level development.
3. The property is located within the Town of Johnstown Growth Management Area.
4. The Town is capable of providing water, sewer, and police service to the property.
5. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

A resolution finding Substantial Conformance with C.R.S. requirements was passed by Town council on August 2nd.

Zoning & Development Standards

The current zoning for the property is A – Agriculture and I-3- Industrial in Unincorporated Weld County. There are no known conditional uses or uses by special review for the property.

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

The applicant requests zoning HA – Holding Agriculture upon annexation, which permits the ongoing agricultural use until such time as development occurs.

Infrastructure

There is currently no Town water service to the property. There are existing water lines located to the north, south, and west of the property. Sanitary sewer for the site will be handled by the planned sanitary sewer interceptor project that will eventually run along County Road 48½, along the northern border of the property. This property intends to dedicate a 30-foot easement to accommodate this pending sewer line adjacent to the right of way.

Major transportation infrastructure exists for this property. Highway 60 borders the south border and Parish Ave / County Road 17 provides the western border. Weld County Road 48½ is currently a dirt road and the Town will expect appropriate right-of-way dedications and roadway improvements be completed at time of development. The existing railroad may pose some interesting challenges as development plans move forward, but the Town will work with future developers and the railroad to secure the best transportation connections possible.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Annexation: Held Farm Annexation

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the North Ridge Annexation be approved based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.
4. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan.
5. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).

Recommended Motion

Based on the application materials received and analysis and presentations at this hearing, the Planning & Zoning Commission finds that the request for the Held Farm Annexation furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the Whitehall Annexation based upon the findings as stated above.

Alternate Motion

Motion to Deny: “I move that the Commission recommend to the Town Council denial of the Held Farm Annexation based upon the following...”

Held Farm Annexation- Establishment of Zoning

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the requested zoning of HA for the Held Farm Annexation be approved based upon the following finding:

1. The proposed zoning will allow the existing agriculture land use to continue until the owner submits plans for development.

Motion

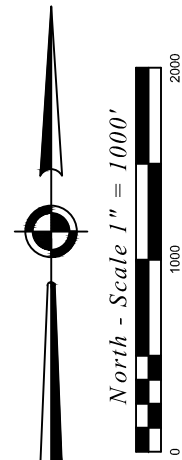
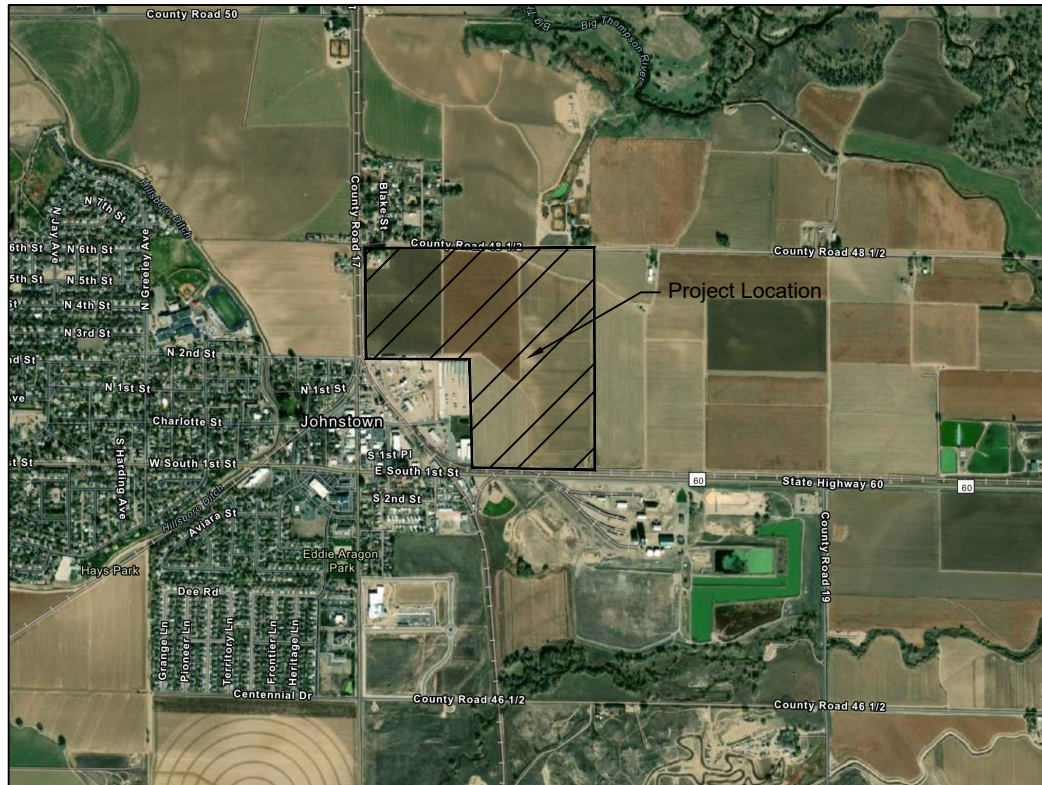
Based on the application materials received and analysis and presentations at the hearing, the Planning & Zoning Commission finds that the request for HA zoning for the Held Farm Annexation furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with surrounding neighborhoods, and therefore moves to recommend to the Town Council approval of the request for HA zoning for the Held Farm Annexation area based upon the finding as stated above.

Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the request for HA zoning for the Held Farm Annexation based upon the following..."



Vicinity Map

Being a part of the Southwest $\frac{1}{4}$ of Section 4, Township 4 North, Range 67
West of the 6th P.M.,
County of Weld, State of Colorado



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

C:\Users\plsge\OneDrive\for Brett\20062\20062d004.dwg February 22, 2021 - 4:05pm

#	Date	Revisions	Field Date n/a	Prepared for: Project#: 20062.004	Platte Land & Water
			Party Chief n/a		
			Survey Tech BAB	 PLS Corporation 532 West 66th Street Loveland, Colorado 80538 Office 970.669.2100 - Info@plscorporation.com 	
			Proj. Manager MBS		

PETITION FOR ANNEXATION

To the Town of Johnstown

(Weld County)

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as Held Farm, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A attached hereto and made a part hereof.
- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (10) The area proposed to be annexed is located within Weld County, School District RE-57, Northern Colorado Water Conservancy District, Little Thompson Water District, Johnstown Fire Protection District, Aims Junior College District, and Weld County Library District, _____ and no others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
- (a) A written legal description of the boundaries of the area proposed to be annexed;
 - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
 - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
 - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
 - (e) The dimensions of the contiguous boundaries are shown on the map.
 - (f) A proposed drainage plan and a proposed utilities plan.
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

(14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:

- (a) ~~Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.~~
- (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
- (c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.
- (d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.

(15) Petitioner represents that: (Check one)

☒ No part of the property to be annexed is included within any site specific development plan approved by Weld County, Colorado.

☐ A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

(16) Submitted with this Petition is the required \$100.00 for publication costs.

(b) The undersigned hereby agree to providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the

EXECUTED this 9th day of March, 2021.

By: 

Name: Tom Walsh

Title: President, Platte Land + Water, LLC

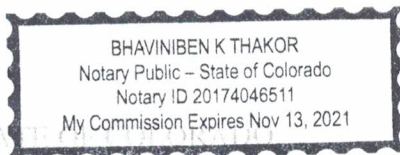
Name of Annexation: Held Farm

STATE OF COLORADO)
)ss
COUNTY OF Denver)

Subscribed and sworn to before me this 9th day of March,
2021 by Tim Walsh as President of Platte Land + Water LLC on behalf of
_____.

WITNESS my hand and official seal.

My commission expires: Nov. 13, 2021



Bhavin K Thakor.
Notary Public

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of _____ pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.



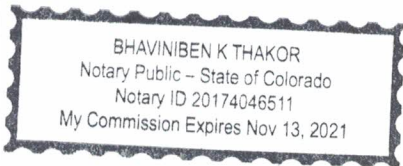
Circulator

STATE OF COLORADO)
)ss
COUNTY OF)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this
9th day of March, A.D., 2021, by
Tim Walsh.

Witness my hand and official seal.

My commission expires: November 13, 2021

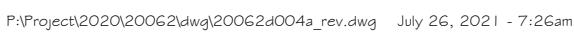


Bhavin K. Thakor.
Notary Public

STATE OF COLORADO

COUNTY OF

Being a part of the Southwest $\frac{1}{4}$ of Section 4, Township 4 North, Range 67 West of the 6th P.M.,
Weld County, State of Colorado



M. Bryan Short
Colorado Professional Surveyor #32444

REVISIONS Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date _____ By _____ Description _____			Field Date <u> n/a </u> ST <u> BAB </u> Party Chief <u> n/a </u> PM <u> BAB </u> Print Date <u> July 26, 2021 </u> PLS <u> MBS </u>			CLIENT <div style="text-align: center; font-size: 24pt;">Platte Land & Water</div>			<div style="text-align: center;"> PLS Corporation 532 West 66th Street, Loveland, Colorado 80538 Phone: 970.669.2100 - Info@plscorporation.com </div>			TITLE <div style="text-align: center;"> Annexation Plat Held Farm Section 4, Township 4 North, Range 67 West, 6th P.M., Weld County, Colorado </div>			PROJECT NO. <div style="text-align: center; border: 1px solid black; padding: 5px;">20062.004</div>		SHEET NO. <div style="text-align: center; border: 1px solid black; padding: 5px;">1</div>		NO. OF SHEETS <div style="text-align: center; border: 1px solid black; padding: 5px;">1</div>	
--	--	--	---	--	--	---	--	--	--	--	--	---	--	--	--	--	--	--	--	--



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

DESCRIPTION: Whitehall Annexation and Establishment of Zoning (240.9 acres)
LOCATION: East half of Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$, Section 12, Township 4 North, Range 68 West. West of Colorado Blvd., north of CR 46.
APPLICANT: Sauer Whitehall, LLC, and Sauer Phantom 5, LLC
STAFF: Kim Meyer, Planning and Development Director *Km*
HEARING DATE: August 11, 2021

ATTACHMENTS

- 1-Vicinity Map
- 2- Application & Petition
- 3-Annexation Map
- 4-Zoning Map

BACKGROUND & PROJECT SUMMARY

The Applicant is requesting annexation of 240.9 acres of land into the Town. The property is located in the east half of Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 12, Township 4 North, Range 68 West. More specifically, it is located on the northwest corner of County Road 46 and Colorado Blvd. Petitioner is proposing zoning of PUD-MU (Planned Unit Development – Mixed Use). This is the site chosen for the new Roosevelt High School.

The subject property is presently zoned A – Agriculture in unincorporated Weld County. It is bordered on the north and east sides by incorporated areas of Johnstown and by unincorporated Weld County on the west and south.

SURROUNDING LAND USE

North: GWRR, Clearview Subdivision (single family)
South: Existing residential and Ag in Weld County
East: Proposed Granary Subdivision
West: Existing Ag in Weld County

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

LAND USE HISTORY

Historically, this property has been used for farming and continues as that use today.

OIL & GAS ACTIVITY

COGCC (Oil & Gas) online maps shows one Plugged and Abandoned well in the SE quadrant of the site, and one producing well (Held 12-1418) on the far west of the SW quadrant – both operated by Kerr McGee; as well as multiple planned horizontal wellbores under the entire property, originating from the approved S&B drill site south of Hwy 60, in Johnstown.

PUBLIC NOTICE & AGENCY REFERRALS

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, July 22, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning.

Agency Referrals were sent to Weld County Planning. Full state-required annexation packets will be mailed to the county and all taxing districts prior to Council hearings.

NEIGHBORHOOD MEETING

No neighborhood meeting was held for this annexation and initial zoning request due to the fact that the current use of the land isn't going to change, and the proposal is currently a simple annexation where no new land uses are yet being proposed. When the owner/applicant moves forward with a proposed PUD Outline Development Plan indicating land uses and development standards, the Town will hold neighborhood meetings for the surrounding residents.

ANALYSIS

Annexation: This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is planned to be zoned and developed as urban-level development.
3. The property is located within the Town of Johnstown Growth Management Area.
4. The Town is capable of providing water, sewer, and police service to the property.
5. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

Town Council did pass a resolution of findings for Substantial Conformance with Colorado Revised Statutes on August 2, 2021, in an effort by the Town to assist the Weld RE5-J School

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

District in their pursuit of development plans, subdivision for their parcel and adjacent roadways, and construction permitting to move the high school forward for the district's planned 2023 opening.

Zoning & Development Standards: The current zoning for the property is A – Agriculture in Unincorporated Weld County. There are no conditional uses or uses by special review on the property.

The applicant requests zoning PUD-MU upon annexation. The owner/applicant is currently working on an ODP that will create basic zoning and land use standards. The annexation was proposed without an accompanying ODP to help facilitate the approval and construction of the new high school proposed for a portion of this site.

Infrastructure: There is currently no Town water service to the property. Any existing service would be provided by Little Thompson Water District. There are currently water lines located to the east, south, and west of the property that development may access. Sanitary sewer for the site will be handled, in the future, by the planned sanitary sewer interceptor project that is planned to run along County Road 46, along the southern border of the property.

Major transportation infrastructure is already in place for this annexation. Colorado Boulevard is slated as a regionally significant corridor and as a major arterial, in the Johnstown Master Transportation Plan while Weld County Road 46 is also planned as a major arterial. The Town will expect appropriate roadway and intersection improvements be completed at time of development.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Note: This is presented as two sets of findings and motions as the annexation and the zoning are separate land use actions.

Annexation: Whitehall Annexation

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the Whitehall Annexation be approved based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.
4. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan.
5. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

Recommended Motion

Based on the application materials received and analysis and presentations at this hearing, the Planning & Zoning Commission finds that the request for the Whitehall Annexation furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the Whitehall Annexation based upon the findings as stated above.

Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the Whitehall Annexation based upon the following findings..."

Zoning: Whitehall Annexation- Establishment of Zoning

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the requested zoning of PUD-MU for the Whitehall Annexation be approved based upon the following findings:

1. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan, and will help this area develop in the future as a complete neighborhood.
2. The proposed zoning is compatible with surrounding zoning and land uses, and appropriate for this major transportation corridor.

Motion

Based on the application materials received and analysis and presentations at the hearing, the Planning & Zoning Commission finds that the request for PUD-MU zoning for the Whitehall Annexation furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with surrounding neighborhoods, and therefore moves to recommend to the Town Council approval of the request for PUD-MU zoning for the Whitehall Annexation based upon the finding as stated in the staff report.

Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the request for PUD-MU zoning for the Whitehall Annexation based upon the following..."

File Name: S:\PLANNING\2020 Land Use Projects\ANX20-004 Whitehall Annexation\Hearings – PZC Whitehall ANNEX PUD Staff Report 06 09 21.docx

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141





Town of Johnstown

LAND USE APPLICATION

Project Name: Whitehall

Description: Annexation of property generally located at northwest corner of Colorado/WCR46

Land Use: ☐ Site Development Plan ☐ Use by Special Review ☐ Conditional Use Grant ☒ Annexation

Subdivision: ☐ Replat/Minor ☐ Preliminary ☐ Final ☐ Combined Prelim/Final

PUD: ☐ Outline/ODP ☐ Prelim/PDP ☐ Final/FDP

Zoning: ☐ Establish Zoning ☐ Rezone

Wireless: ☐ Small Cell ☐ EFR ☐ Alt. Tower ☐ Base Station ☐ Tower/Other

Other: ☐ Downtown Façade Grant

Site Address or Parcel #s: Weld County Parcel Numbers 106112000013 and 106112000017

Applicant/Project Owner: Sauer Whitehall, LLC - Attn: Cindy Sauer and Sauer Phantom 5, LLC - Attn: Alex Sauer

Applicant Address: 6681 County Road 50, Johnstown, CO 80534

Email: cindy@skybeam.com & sauerbeef@gmail.com Telephone: 970-405-8140 and 907-690-1050

Consultant /Representative: Terra Forma Solutions, Inc - Attn: Todd Johnson

Consultant Address: 3465 South Gaylord Court, A304 Englewood, CO 80113

Email: todd@terraformas.com Telephone: 303-257-7653

Landowner Authorization to Proceed with Land Use Action: (Required)

The undersigned (1) affirms ownership or authorized representation thereof of the subject property, and (2) hereby authorizes the individuals or entities listed herein as "applicant" and/or "authorized representative" to represent me/us in all aspects of the land use process for the project being submitted with this application. ☒ Please keep me informed of the status and progress of this project via email at the address below. ☐ I do NOT want to be updated on this project. (To modify this request, contact Planning@TownofJohnstown.com)

Landowner(s): Sauer Whitehall, LLC + Sauer Phantom 5, LLC

Email: Cindy@skybeam.com + sauerbeef@gmail.com Telephone: 970-405-8140 + 970-690-1050

Cynthia Sauer, Operating Mgr of
Sauer Whitehall, LLC
Signature of Landowner

Alex Sauer, Operating Mgr of
Sauer Phantom 5, LLC
Signature of Landowner

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

PETITION FOR ANNEXATION

To the Town of Johnstown

(Weld County)

The undersigned, Sauer-Whitehall, LLC, a Colorado limited liability company, and Sauer Phantom 5, LLC, a Colorado limited liability company, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as Whitehall, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A attached hereto and made a part hereof.

- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
- (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (10) The area proposed to be annexed is located within Weld County, Aims Junior College, Big Thompson Conservation, Front Range Fire Rescue Fire Protection District, High Plains Library, Little Thompson Water, Northern Colorado Water, School District RE5J and no others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
 - (a) A written legal description of the boundaries of the area proposed to be annexed;
 - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
 - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
 - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
 - (e) The dimensions of the contiguous boundaries are shown on the map.
 - (f) A proposed drainage plan and a proposed utilities plan.
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

- (14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:
- (a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.
 - (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
 - (c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.
 - (d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.
- (15) Petitioner represents that: (Check one)
- ☒ No part of the property to be annexed is included within any site specific development plan approved by Weld County, Colorado.
- ☐ A site specific development plan has been approved by Weld County, Colorado, which has created a vested right.
- (16) Submitted with this Petition is the required \$100.00 for publication costs. *✓ \$100.00*

EXECUTED this 28 day of July, 2021.

SAUER-WHITEHALL, LLC, a Colorado limited liability
company

By: Cynthia Sauer *Cynthia Sauer*

Title: Managing Member

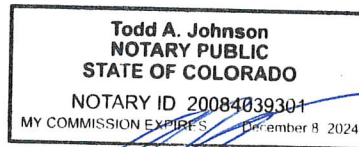
Name of Annexation: Whitehall

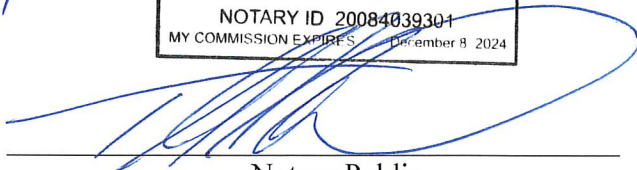
STATE OF COLORADO)
)ss
COUNTY OF WELD)

Subscribed and sworn to before me this 28 day of July, 2021, by
Cynthia Sauer as the Managing Member of Sauer-Whitehall, LLC.

WITNESS my hand and official seal.

My commission expires: 12-8-24





Notary Public

SAUER PHANTOM 5, LLC, a Colorado limited liability company

By: Alex Sauer 

Title: Managing Member

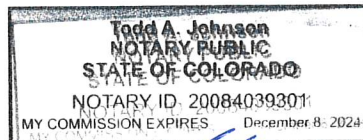
Name of Annexation: Whitehall

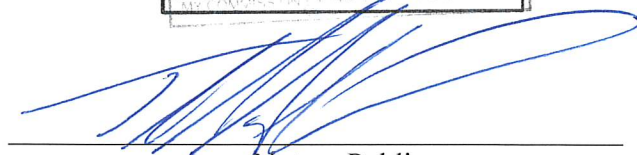
STATE OF COLORADO)
)ss
COUNTY OF WELD)

Subscribed and sworn to before me this 28 day of July, 2021, by
Alex Sauer as the Managing Member of Sauer Phantom 5, LLC.

WITNESS my hand and official seal.

My commission expires: 12-8-24



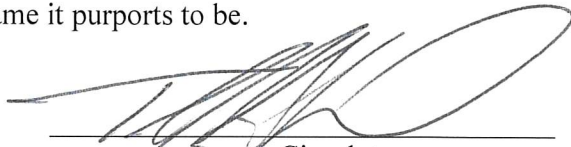


Notary Public

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of six(6) pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.



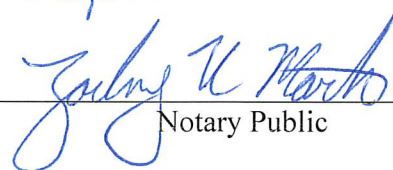
Circulator
Todd A. Johnson

STATE OF COLORADO)
)ss
COUNTY OF Weld)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 28th day of July, A.D., 2021, by Todd Johnson.

Witness my hand and official seal.

My commission expires: September 28, 2021



Notary Public

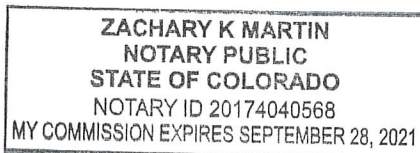


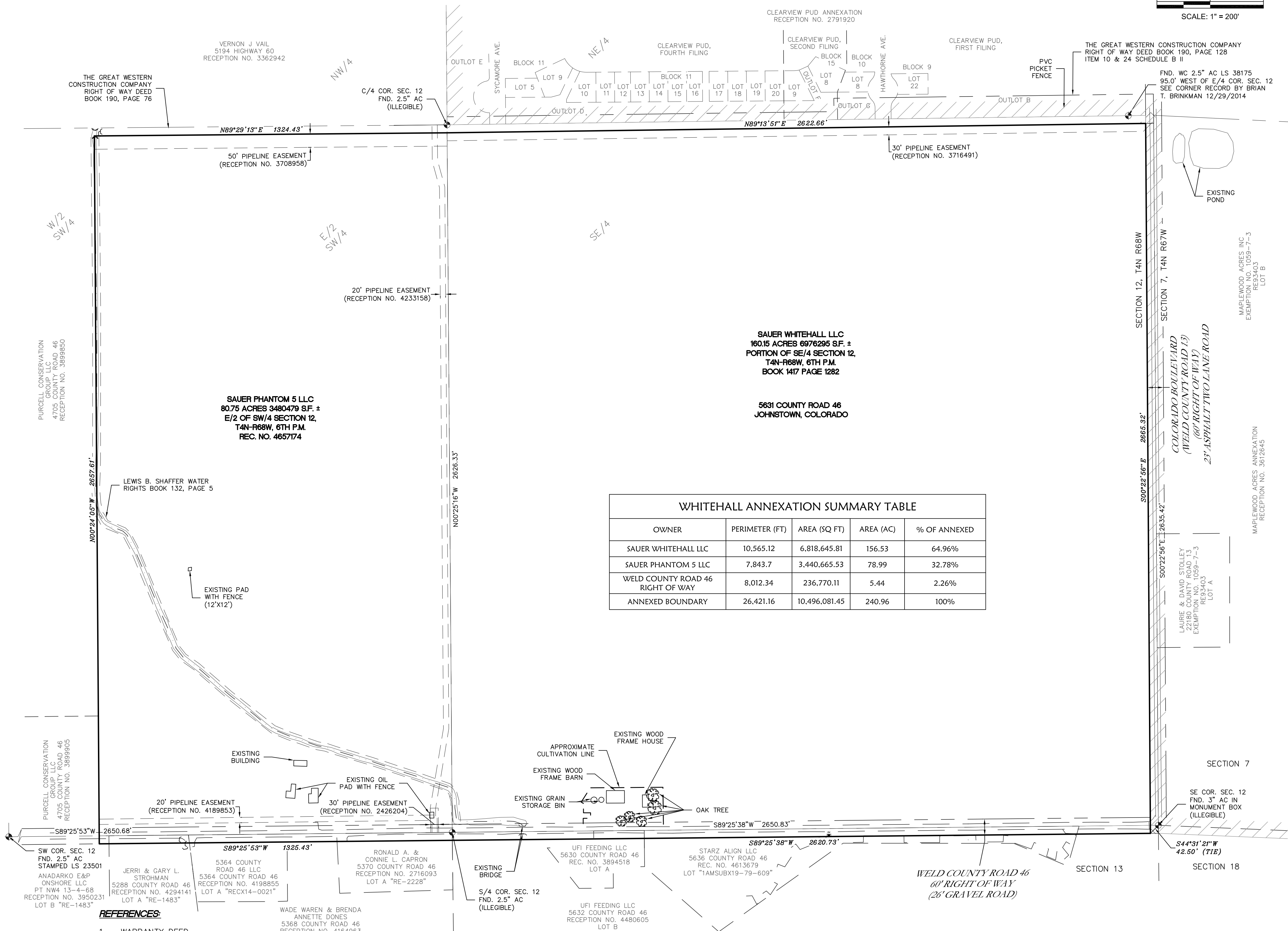
EXHIBIT A

A 240.96 ACRE TRACT OF LAND BEING THE PROPERTY OF SAUER PHANTOM 5 LLC (RECEPTION NO. 3480479) AND PORTION OF SAUER WHITEHALL LLC (RECEPTION NO. 4657171), AND PORTION OF COUNTY ROAD 46 RIGHT OF WAY, IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 OF THE SW/4) AND SOUTHEAST QUARTER (SE/4) OF SECTION 12 AND THE NORTH HALF OF THE NORTH HALF (N/2 OF THE N/2) OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 68 WEST, 6TH/ P.M., WELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS A FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4, BEING MARKED BY A FOUND 3 INCH ALUMINUM CAP IN A MONUMENT BOX (ILLEGIBLE Scription), LOCATED IN THE CENTER OF THE INTERSECTION OF COLORADO BOULEVARD/COUNTY ROAD 13 AND COUNTY ROAD 46, THENCE SOUTH 44°31'21" WEST, 42.50 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13 AND THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;
THENCE SOUTH 89°25'38" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, GRAVEL ROAD WITH A 60 FOOT RIGHT OF WAY, 2620.78 FEET TO AN ANGLE POINT OF HEREIN DESCRIBED TRACT;
THENCE SOUTH 89°25'53" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, GRAVEL ROAD WITH A 60 FOOT RIGHT OF WAY, 1325.43 FEET TO THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;
THENCE NORTH 00°24'05" WEST, 2657.61 FEET TO THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;
THENCE NORTH 89°29'13" EAST, 1324.43 FEET TO A POINT ON THE WESTERN LINE OF SOUTHEAST QUARTER OF SAID SECTION 12, FOR AN ANGLE POINT OF HEREIN DESCRIBED TRACT, AND FROM WHICH THE SAID CENTER QUARTER CORNER OF SECTION 12 BEARS, NORTH 00°25'16" WEST, 30.00 FEET, BEING MARKED BY A FOUND 2.5 INCH ALUMINUM CAP (ILLEGIBLE Scription);
THENCE NORTH 89°13'51" EAST, 2652.66 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13, FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, MARKED BY A 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED "PLS 38702", SET ON WESTERN RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13 FOR AN OFFSET MONUMENT;
THENCE SOUTH 00°22'56" EAST, ALONG THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13, ASPHALT ROAD WITH A 60 FOOT RIGHT OF WAY, 2665.32 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT, AND CONTAINING 240.96 ACRES (10,496,081 SQ. FT.) MORE OR LESS, WHICH INCLUDES 5.435 ACRES (236770 SQ. FT.) OF PUBLIC RIGHT OF WAY COUNTY ROAD 46.

WHITEHALL ANNEXATION PLAT

EAST HALF OF SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 12,
TOWNSHIP 4 NORTH, RANGE 68 WEST, 6TH P.M.
COUNTY OF WELD, STATE OF COLORADO



WHITEHALL ANNEXATION SUMMARY TABLE				
OWNER	PERIMETER (FT)	AREA (SQ FT)	AREA (AC)	% OF ANNEXED
SAUER WHITEHALL LLC	10,565.12	6,818,645.81	156.53	64.96%
SAUER PHANTOM 5 LLC	7,843.7	3,440,665.53	78.99	32.78%
WELD COUNTY ROAD 46 RIGHT OF WAY	8,012.34	236,770.11	5.44	2.26%
ANNEXED BOUNDARY	26,421.16	10,496,081.45	240.96	100%

REFERENCES:

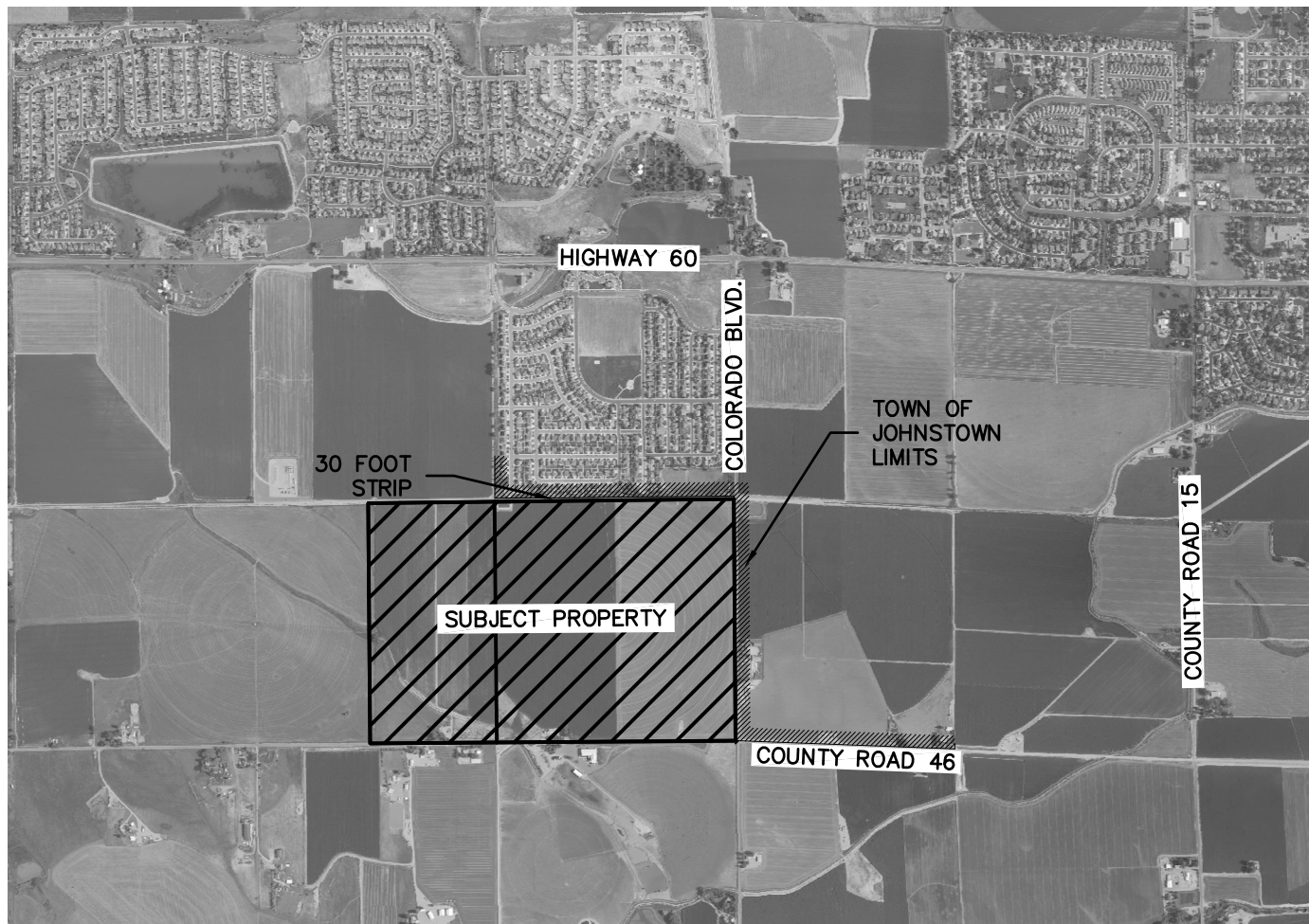
- WARRANTY DEED
RECEPTION NO. 4657174
- WARRANTY DEED BOOK 1417 PAGE 1282
RECEPTION NO. 2364754
- CLEARVIEW P.U.D. FIRST FILING
RECEPTION NO. 2915577
- CLEARVIEW P.U.D. SECOND FILING
RECEPTION NO. 3024732
- CLEARVIEW P.U.D. FOURTH FILING
RECEPTION NO. 3866659
- RECORDED EXEMPTION NO. 1061-13-1-RE1917
RECEPTION NO. 25278721
- RECORDED EXEMPTION NO. 1059-7-3-RE93403
RECEPTION NO. 3011360
- SPECIAL WARRANTY DEED
RECEPTION NO. 3899850
- SPECIAL WARRANTY DEED
RECEPTION NO. 3899905
- QUITCLAIM DEED
RECEPTION NO. 3362942
- ALTA/NSPS SURVEY FOR SAUER WHITEHALL LLC, BY
COFFEY ENGINEERING AND SURVEYING DATED 1/18/21,
SIGNED BY BENJAMIN K. FONTENOT LS NO. 38702.

LEGEND:

- FOUND SECTION MONUMENT - AS DESCRIBED
- YPC YELLOW PLASTIC CAP
- AC ALUMINUM CAP
- SIGN (SINGLE POST)- AS NOTED
- ANNEXATION BOUNDARY LINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- TOWN OF JOHNSTOWN CORPORATE LIMITS

CONTIGUITY STATEMENT:

TOTAL PERIMETER OF AREA CONSIDERED FOR ANNEXATION: 26421.16'
ONE-SIXTH OF TOTAL PERIMETER AREA: 4403.53'
PERIMETER OF THE AREA CONTIGUOUS WITH EXISTING TOWN LIMITS: 2665.32'
THE TOTAL CONTIGUOUS PERIMETER IS 10%



VICINITY MAP
1"=2000'

OWNERS:
SAUER WHITEHALL LLC
CYNTHIA I. SAUER
STATE OF _____ }
COUNTY OF _____ } SS
THE FOREGOING DEDICATION OF PLAT WAS ACKNOWLEDGED BEFORE ME BY CYNTHIA I. SAUER
ON THIS _____ DAY _____, 2021
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

OWNERS:
SAUER PHANTOM 5 LLC
CYNTHIA I. SAUER
STATE OF _____ }
COUNTY OF _____ } SS
THE FOREGOING DEDICATION OF PLAT WAS ACKNOWLEDGED BEFORE ME BY CYNTHIA I. SAUER
ON THIS _____ DAY _____, 2021
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

TOWN COUNCIL APPROVAL:
THIS MAP TO BE KNOWN AS WHITEHALL ANNEXATION PLAT IS APPROVED AND ACCEPTED
TO THE TOWN OF JOHNSTOWN, COLORADO BY ORDINANCE NUMBER
PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN
COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, HELD ON THE _____ DAY
OF _____, 20____

GARY LEBSACK, MAYOR _____ DATE _____

ATTEST: TOWN CLERK _____ DATE _____

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS ANNEXATION PLAT OF AREA AS DEPICTED
ON THE PROPERTY HEREON WAS PREPARED FROM SURVEY DATA AND
FIELD NOTES FROM SURVEY PERFORMED IN THE FIELD AND ON THE
GROUND AND COMPLETED FEBRUARY 8 UNDER MY DIRECT SUPERVISION,
TO BE COMPLETE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.

Benjamin K. Fontenot 07/12/2021
(SIGNATURE OF SURVEYOR)

BENJAMIN K. FONTENOT

(PRINTED NAME)

REGISTERED SURVEYOR: BENJAMIN K. FONTENOT, LS
STATE OF: COLORADO
REGISTRATION NUMBER: 38702

WHITEHALL ANNEXATION PLAT

E/2 SW/4 AND SE/4 SEC. 12, T4N, R68W, 6TH P.M.
WELD COUNTY, COLORADO

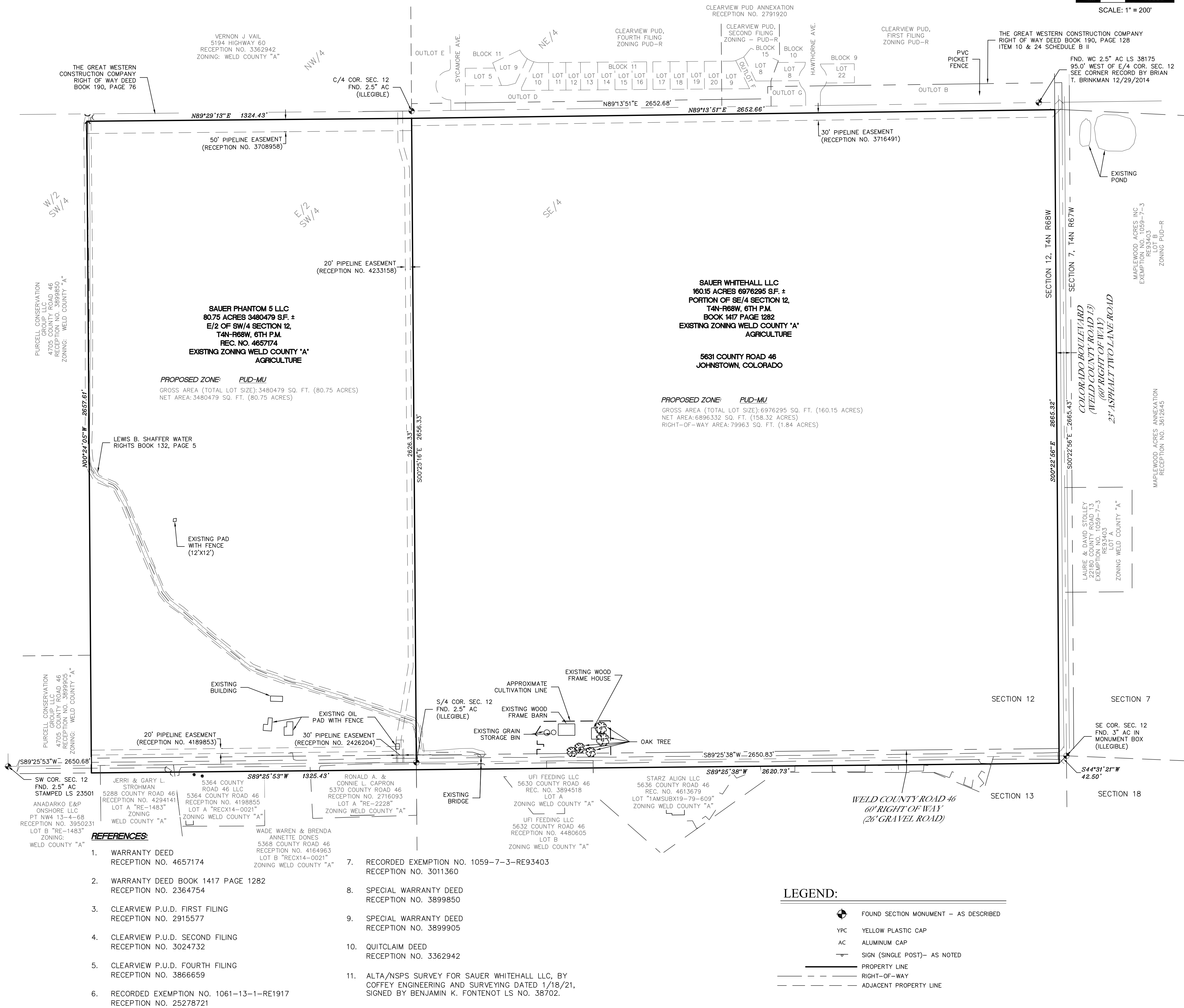


Sheet:

1/1

WHITEHALL ZONING PLAT

EAST HALF OF SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 12,
TOWNSHIP 4 NORTH, RANGE 68 WEST, 6TH P.M.
COUNTY OF WELD, STATE OF COLORADO



REZONE LEGAL DESCRIPTION:

A 240.96 ACRE TRACT OF LAND BEING THE PROPERTY OF SAUER PHANTOM 5 LLC (RECEPTION NO. 3480479) AND PORTION OF SAUER WHITEHALL LLC (RECEPTION NO. 4657171), AND PORTION OF COUNTY ROAD 46 RIGHT OF WAY, IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 OF THE SW/4) AND SOUTHEAST QUARTER (SE/4) OF SECTION 12 AND THE NORTH HALF OF THE NORTH HALF (N/2 OF THE N/2) OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 68 WEST, 6TH P.M., WELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4, BEING MARKED BY A FOUND 3 INCH ALUMINUM CAP IN A MONUMENT BOX (ILLEGIBLE Scription), LOCATED IN THE CENTER OF THE INTERSECTION OF COLORADO BOULEVARD/COUNTY ROAD 13 AND COUNTY ROAD 46, THENCE SOUTH 44°31'21" WEST, 42.50 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13 AND THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 89°25'38" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, GRAVEL ROAD WITH A 60 FOOT RIGHT OF WAY, 2620.78 FEET TO AN ANGLE POINT OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 89°25'53" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46, GRAVEL ROAD WITH A 60 FOOT RIGHT OF WAY, 1325.43 FEET TO THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00°24'05" WEST, 2657.61 FEET TO THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 89°29'13" EAST, 1324.43 FEET TO A POINT ON THE WESTERN LINE OF SOUTHEAST QUARTER OF SAID SECTION 12, FOR AN ANGLE POINT OF HEREIN DESCRIBED TRACT, AND FROM WHICH THE SAID CENTER QUARTER CORNER OF SECTION 12 BEARS, NORTH 00°25'16" WEST, 30.00 FEET, BEING MARKED BY A FOUND 2.5 INCH ALUMINUM CAP (ILLEGIBLE Scription);

THENCE NORTH 89°13'51" EAST, 2652.66 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13, FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, MARKED BY A 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED "PLS 38702". SET ON WESTERN RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13 FOR AN OFFSET MONUMENT;

THENCE SOUTH 00°22'56" EAST, ALONG THE WEST RIGHT OF WAY LINE OF COLORADO BOULEVARD/COUNTY ROAD 13, ASPHALT ROAD WITH A 60 FOOT RIGHT OF WAY, 2665.32 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT, AND CONTAINING 240.96 ACRES (10,496,081 SQ. FT.) MORE OR LESS, WHICH INCLUDES 5.435 ACRES (236770 SQ. FT.) OF PUBLIC RIGHT OF WAY COUNTY ROAD 46.

TOWN COUNCIL APPROVAL:

THIS MAP TO BE KNOWN AS WHITEHALL ZONING PLAT IS APPROVED AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO BY ORDINANCE NUMBER _____ PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, HELD ON THE _____ DAY OF _____, 20____.

GARY LEBSACK, MAYOR _____ DATE _____

ATTEST: TOWN CLERK _____ DATE _____

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS ZONING PLAT OF AREA AS DEPICTED ON THE PROPERTY HEREON WAS PREPARED FROM SURVEY DATA AND FIELD NOTES FROM SURVEY PERFORMED IN THE FIELD AND ON THE GROUND AND COMPLETED FEBRUARY 8 UNDER MY DIRECT SUPERVISION, TO BE COMPLETE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.

Benjamin K. Fontenot 07/12/2020
(SIGNATURE OF SURVEYOR)

BENJAMIN K. FONTENOT
(PRINTED NAME)

REGISTERED SURVEYOR: BENJAMIN K. FONTENOT, LS
STATE OF: COLORADO
REGISTRATION NUMBER: 38702



WHITEHALL ZONING PLAT

E/2 SW/4 AND SE/4 SEC. 12, T4N, R68W, 6TH P.M.
WELD COUNTY, COLORADO



Sheet:
1 / 1